

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GEMINI MASTER FUND, LTD and §
BLACK MOUNTAIN EQUITIES, INC., §
§
Plaintiffs, §
§
v. § Case No. 15-CIV-9546 (AT)
§
OXYSURE SYSTEMS, INC. (aka §
OXYSURE THERAPEUTICS, INC.), §
§
Defendant. §

ROSS DECLARATION

I, the undersigned, declare under penalty of perjury that the following information is true and correct to the best of my knowledge and investigation.

My name is Julian Ross, I am over the age of 18, and am competent to give this testimony and do so under penalty of perjury. I am the president and CEO of Oxysure Systems, Inc. Oxysure was served via our Delaware agent for service in the afternoon of December 19, 2015. We were not served the December 18, 2015, scheduling order. We were not served the Motion for Preliminary Injunction until January 4, 2016, when both I and Oxysure's counsel, Mazin Sbaiti, received copies in the mail. Oxysure is not insolvent nor on the verge of insolvency—it has always relied on financing to sustain its cash needs—indeed, both of the Plaintiffs are well aware of this as this was the basis for the transactions they entered into with Oxysure. The Plaintiffs were also well aware of the "Going Concern" disclosure Oxysure makes pursuant to the auditor requirements under FASB—that has been in every quarterly filing going back to before 2013.

I declare under penalty of perjury the foregoing is true and correct to the best of my personal knowledge and investigation.

/s/ Julian Ross